

Building & Zoning Dept. 41 City Hall Place Plattsburgh, New York 12901

Ph: 518-563-7707 Fax: 518-563-6426

SUP

USE CLASS A VARIANCE

AREA

OBI ISO II VIENI II VOD	CLASS B VARIANCE	SPECIAL USE PERMIT
Date: 8-10-12	Appeal No.:	•
An application is hereby made allow the property use as herein	to the Zoning Board of Appeals pursuant to the City of Platts described.	sburgh Zoning Ordinance for a variance to
Applicant:	WILLIAM FERRIS	
Applicant's Address:	20 FORT BROWN DR	
Telephone No.:	PLATTS BURGH, N.Y. 12 518-569-4600	903
Parcel Identification:	207.82-1-20.2	
Location of Request:	DURKEE ST 17	
Property Owner:	Shawn Clické	
Request Description:	Service Autos - special use	Permit
Zoning District:	C	
ection Appealed:		
revious Appeal: No.:_	1437 Date: 12/18/00)
lentify Applicant's Right to App	y for Variance:	
wnership:	_Long Term Lease:Contract To	Purchase: X
ther (Please Explain):		
pplications for Zoning Varian	ces must be accompanied by:	

Αį

- 13 copies of existing and proposed site plan
- 13 copies of existing and proposed floor plan

The Zoning Board of Appeals may impose reasonable conditions and restrictions on the grant of area and use variances provided they are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse mpact such variance may have on the neighborhood or community.

O

Notary Public

DEBRA JARVIS Notary Public, State of New York

No. 01JA6188499

Qualified in Clinton County Commission Expires June 9, 20



CLINTON COUNTY PLANNING DEPARTMENT

135 Margaret Street, Suite 124 · Plattsburgh, New York 12901-2980 Planning (518) 565-4711 • C.A.R.T. (518) 565-4713 • Facsimile (518) 565-4885

CLINTON COUNTY PLANNING BOARD DECISION ON 239M REFERRAL

TO: City of Plattsburgh

REFERRAL NUMBER: 83-12

SUBJECT: William Ferris, Special Permit to operate automobile service, 17 Durkee Street.

The following action was taken by the Clinton County Planning Board regarding this zoning referral, in compliance with New York State General Municipal Law, Article 12B, Section 239M. This decision is not binding upon the local municipality, but may impact the local board's voting requirements to act contrary to the County decision. A County Decision of Disapproval or Approval With Modifications may only be overturned by the local municipal board by a majority plus one vote of the full membership of the board (4 votes for 5 member board, 5 votes for 7 member board).

DATE OF COUNTY ACTION:	9/5/12
ACTION TAKEN ON REFERRAL:	☐ APPROVAL
	☐ APPROVAL WITH MODIFICATION
	☐ DISAPPROVAL
	□ LOCAL ISSUE
SEE ENCLOSED COMMENTS REC	GARDING THIS REFERRAL
VOTE RECORDED:	8 YES
	0 NO
	0 ABSENT
7/6/12 Her Litte	1 ABSTAINED
DATE CLINTON COUNT	Y PLANNING DEPARTMENT

PLEASE RETURN A COPY OF THE FINAL DECISION BY YOUR BOARD TO THE CLINTON COUNTY PLANNING DEPARTMENT WITHIN 30 DAYS OF DECISION.

PART 1—PROJECT INFORMATION

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect the antire form. Parte A through E Anguare to those questions will be considered. NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered and may be subject to further varification and public review. Provide any additional on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional as part of the application for approval and may be subject to further with the information you believe will be needed to complete Parts 2 and 3.

Information you believe will be needed to complete rails 2 and 3.

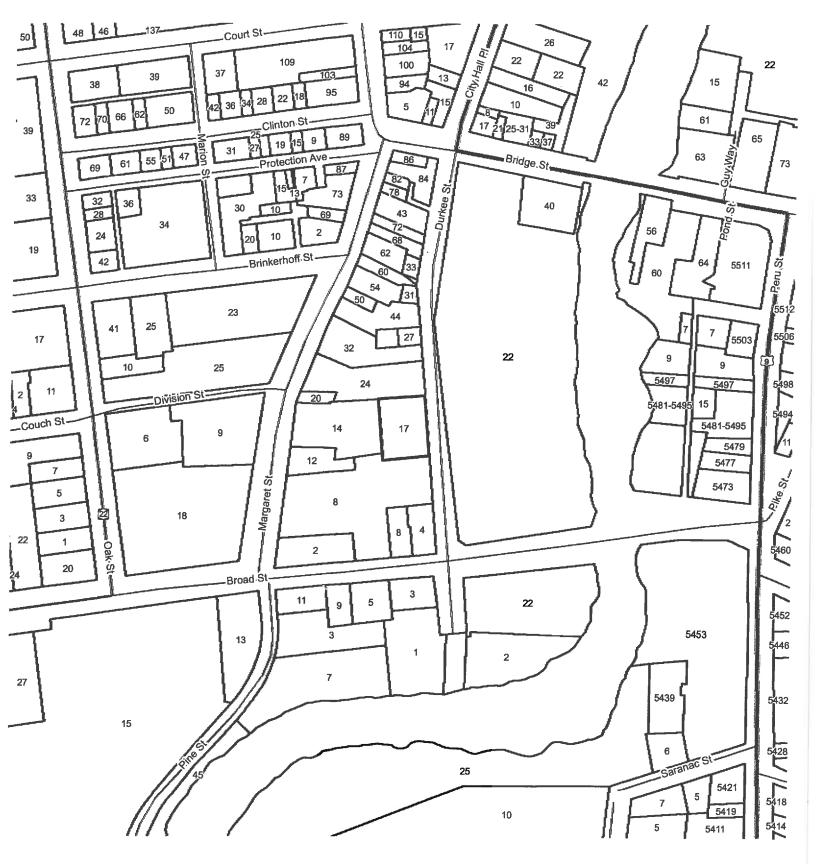
It is expected that completion of the full EAF will be dependent on information currently available and will not involve additional work is unavailable so indicate and enough. It is expected that completion or the rull EAF will be dependent on information currently available and will necessarily available and will instance.

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NAME OF	ACTION	· ·····atio	on requiring such ac	Intormation curr	rently available and will not invound and specular and sp
1.2	MOLION		au	iditional work is	unavailable and will
LOCATION	05.4	et Address, Municipality and			unavailable, so indicate not invo
	ACTION (Include Street	at Add			spec
NAME OF A	Durker	Aunicipality and	10		· · · · · · · · · · · · · · · · · · ·
LWii	PLICANT/SPONSOR	21,	County)		
ADDRESS	10m Ferv				
1 ^		15			
CITY/PO	ort Brown	n			Puls
Piell	I	<u>Dr</u>			BUSINESS TELEPHONE
NAME	1 /				(5/8) 56/-823
NAME OF OWN	ER (If different)				(S(8) S61-8230
	10114				
ADDRESS					STATE ZIP CODE
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Please		cate N.A. if not appl		* (1
A Complete E	ich Overt				1
A. Site Descrip	Alexander Indi	cate N A :			1
Physical setting	LIOU	not appli	Cable	-	1
Physical setting of control of the set	verall project		-4016		
1. Present land use:	Mileha Dott	developed and			
	Ourban D	Industrial and und	eveloped are		*
2. Total acreage of p	□Forest □	Agriculture Com	mercial		
- ACIENDO OL		MICUITURA -	Resid	lential (suburban	
APPROXIMATE, Meadow or Resul	ACPEACE L	7'x 128' 00th	er	(suburban)
Meadow or Brush	NONEAGE	acres.			Rural (non-farm)
Forested -	ACREAGE hland (Non-agriculti	(ral)			- Carring
			PR	ESENTLY AF	
Wotl-	des orchand			TSENITY AF	TER COMPLETION
Welland (Freshwai	er or 4:-	and, pasture	- 0	acres	TEN COMPLETION
Water Surface Are	of cidal as per A	rticles 24		acres	acres
Unvegetated in	a	24, 25 of ECI		acres	
Unvegetated (Rock, Roads, buildings an	earth or fill				acres
Roads, buildings and Other (Indicate type	d other no.		0	acres	acres
Other (Indicate type	n paved surfi	ices	_ 0	_ acres	acres
What is predominant so a. Soil drainage:)		-1000	acres	acres
a. Soil des	oil type(s)		100%	acres 10	
A \ A nage:	Twell 4.	ct site?	\sim	-cres _/C	0% acres
	arained	av i	OIL AL	acres	acres
b. If any agricult	Well drained Poorly drained	of site	TMO	L PAITE	acres
Land Classics	Poorly drained	% of site	arately well a	trained	LINT
b. If any agricultural la Land Classification of there bedrock outcro What is depth to bed	System? () A, now	many acres of	3.1	- anied -	% of +it
wiere bedrock outcro	nnin a	cres. (See 1 No soil a	re classified	*	or site
What is depth to	phiugs on bloiect.	ito?	370).	soil group 1	
-Ear to Ded	rock?	Tes X	M-	and I thro	ough 4 of the Alva
		(in feet)	140		are MAR
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		2			

5. Approximate percentage of proposed project site with slopes: \$\\\\0.10\\\0.10\\\\\\\\\\\\\\\\\\\\\\\\
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places?
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?
8. What is the depth of the water table?(in feet)
9. Is site located over a primary, principal, or sole source aquifer?
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered Yes No According to Identify each species
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations;
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?
14. Does the present site include scenic views known to be important to the community? ☐ Yes ☐ No
15. Streams within or contiguous to project area: W/A
a. Name of Stream and name of River to which it is tributary
16. Lakes, ponds, wetland areas within or contiguous to project area: Name b. Size (In acres)
17. Is the site served by existing public utilities? Yes \square No
a) If Yes, does sufficient capacity exist to allow connection? ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐Yes ∑No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? □Yes (No
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes
B. Project Description
. Physical dimensions and scale of project (fill in dimensions as appropriate)
a. Total contiguous acreage owned or controlled by project sponsor NA acres.
b. Project acreage to be developed: N A acres initially; acres ultimately.
c. Project acreage to remain undeveloped
d. Length of project, in miles: 1) H (If appropriate)
e. If the project is an expansion, indicate percent of expansion proposed
f. Number of off-street parking spaces existing 20; proposed 20
g. Maximum vehicular trips generated per hour $\[\mathcal{N} \] A$ (upon completion of project)? h. If residential: Number and type of housing units: $\[\Lambda \] A$
One Family Two Family Multiple Family Condominium
Initially Condominium
Ultimately
i. Dimensions (in feet) of largest proposed structure height; width; length.
j. Linear feet of frontage along a public thoroughfare project will occupy is? ft.
3

2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? tons/cubic yards
3. Will disturbed areas be reclaimed? Yes No No
a. If yes, for what intended purpose is the site being reclaimed?
b. Will topsoil be stockpiled for reclamation? Yes No
c. Will upper subsoil be stockpiled for reclamation? Yes No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? DA acres:
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?
6. If single phase project: Anticipated period of construction months, (including demolition).
7. If multi-phased:
a. Total number of phases anticipated (number).
b. Anticipated date of commencement phase 1 month year, (including demolition).
c. Approximate completion date of final phase month year.
d. Is phase 1 functionally dependent on subsequent phases?
8. Will blasting occur during construction? Yes No
9. Number of jobs generated: during construction; after project is complete
10. Number of jobs eliminated by this project
11. Will project require relocation of any projects or facilities? Yes No If yes, explain
12. Is surface liquid waste disposal involved? Yes No
a. If yes, indicate type of waste (sewage, industrial, etc.) and amount
b. Name of water body into which effluent will be discharged
12 to substitute and limited supplied the state of the st
14 Will surface area of an existing under L. L.
ExplainNo
- 15. Is project or any portion of project located in a 100 year flood plain? ☐Yes ☑No
16. Will the project generate solid waste?
a. If yes, what is the amount per monthtons
b. If yes, will an existing solid waste facility be used? ☐Yes ☐No
c. If yes, give name; location;
d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?
e. If Yes, explain
17. Will the project involve the disposal of solid waste? Xes , No
1 5 1
h If was what is the anticipated site life?
19. Will project routinely produce odors (more than one hour per day)? Yes
20. Will project produce operating noise exceeding the local ambient noise levels? Yes
21. Will project result in an increase in energy use? Yes TNo
If yes, indicate type(s) Building is vacant - no energy heing used now
22. If water supply is from wells, indicate pumping capacity 10 A gallons/minute
23. Total anticipated water usage per day 50-100 gallons/day.
24. Does project involve Local, State or Federal funding? Yes No

25. Approvais Required:			a* \$	Туре		Submittal Date
City, Town, Village Board	□Yes	□No				
City, Town, Village Planning Board	□Yes	□No				
City, Town Zoning Board	□Yes	□No				
City, County Health Department	□Yes	□No				
Other Local Agencies	□Yes	□No				
Other Regional Agencies	□Yes	□No		_		
State Agencies	□Yes	□No				
Federal Agencies	□Yes	□No				
☐new/revision of master plan	nning or z ng variand □resoui	ce Sp	ecial use permit ement plan 🛛	□No □subdivisior other	n □site	plan
2. What is the zoning classification(s)or					·	
3. What is the maximum potential deve	elopment	of the site	if developed as p	ermitted by the	present zo	ning?
6. Is the proposed action consistent wit 7. What are the predominant land use(s) and zon	ing classifi	cations within a !	4 mile radius of	f proposed	Yes □No action?
8. Is the proposed action compatible9. If the proposed action is the subdivia. What is the minimum lot si	sion of la	ind, how n	nany lots are prop			Yes □No
						
10. Will proposed action require any aut 11. Will the proposed action create a of fire protection)?	demand fo	or any con	nmunity provided	er or water distr services (recrea	icts? []` ation, educa	Yes No
a. If yes, is existing capacity su	fficient to	handle pr	ojected demand?	XYes □]No	
2. Will the proposed action result in the a. If yes, is the existing road ne					_	es No
D. Informational Details Attach any additional information as mpacts associated with your proposal, ple void them.	s may be	needed to	clarify your proje	ect If there are	or may be	any adversa
E. Verification			358	•		G.
I certify that the information provide	n t	erric	ne best of my kno	Date	8-10)-12
the action is in the Coastal Area, and you						





Building & Zoning Dept. 41 City Hall Place Plattsburgh, New York 12901 Ph: 518-563-7707

Ph: 518-563-7707 Fax: 518-563-6426

USE
CLASS A VARIANCE

AREA CLASS B VARIANCE

SUP SPECIAL USE PERMIT

Date:	Appeal No.:
An application is hereby ma allow the property use as here	de to the Zoning Board of Appeals pursuant to the City of Plattsburgh Zoning Ordinance for a variance to rein described.
Applicant:	SCOTT TETREAULT
Applicant's Address:	8 Cirivesity PC Philistoryh Ny 12901
Telephone No.:	518-569-8277
Parcel Identification:	207.16-2-1
Location of Request:	86 Miller ST.
Property Owner:	SCOTT TETERALLY
Request Description:	Change The USE from Lounday mor To Redention Centry
Zoning District:	
Section Appealed:	
Previous Appeal: No	: Date:
Identify Applicant's Right to A	Apply for Variance:
Ownership:	Long Term Lease:Contract To Purchase:
Applications for Zoning Var 13 copies of existing	riances must be accompanied by: g and proposed site plan g and proposed floor plan
consistent with the spirit and	als may impose reasonable conditions and restrictions on the grant of area and use variances related to and incidental to the proposed use of the property. Such conditions shall be intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse we on the neighborhood or community.
141	i i
Signature (Owner/Applicant)	Notary Public
rint First and Last Name	

PART 1—PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

LOCATION OF ACTION ((Include Street Ad		nd County)	Ny 12	2901				
NAME OF APPLICANT/SI	PONSOR	iault 1	112.00.81	144 13	-101		BUSINESS		
ADDRESS	Universite			·			(218)	_>6	9-827)
CITY/PO PL	ITS bursh	\			•		STA	TE	ZIP CODE
NAME OF OWNER (If diff	(erent)		··	·			BUSINESS		12901
ADDRESS							()		
CITY/PO							STAT	TE	T-10 000-
DESCRIPTION OF ACTION	1 (1)								ZIP CODE
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ease Complete Each Site Description ysical setting of over Present land use: Total acreage of pro-	on rall project, b □Ürban □Forest oject area:	ooth developed a	and undeve □Comme	loped are		tial (subt	urban)	□R	ural (non-fa
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5.	Approximate percentage of proposed project site with slopes: 0-10% N 9
6.	15% or greater% Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National
	Registers of Historic Places?
	Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?
	What is the depth of the water table? <u>VIA</u> (in feet)
	Is site located over a primary, principal, or sole source aquifer? Yes No
	Do hunting, fishing or shell fishing opportunities presently exist in the project area?
11,	Does project site contain any species of plant or animal life that is identified as threatened or endangered?
12.	Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)
13.	Is the project site presently used by the community or neighborhood as an open space or recreation area?
14.	Does the present site include scenic views known to be important to the community? □Yes □No
15.	Streams within or contiguous to project area: Name of Stream and name of Piver to which it is tributent.
	a. Name of Stream and name of River to which it is tributary
16.	Lakes, ponds, wetland areas within or contiguous to project area: a. Name
17.	Is the site served by existing public utilities?
ä	a) If Yes, does sufficient capacity exist to allow connection?
ŀ	b) If Yes, will improvements be necessary to allow connection? Yes No
18. ! S	Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? □Yes 望No
19. I	Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?
20. F	Has the site ever been used for the disposal of solid or hazardous wastes? □Yes ☑No
B. F	Project Description
	nysical dimensions and scale of project (fill in dimensions as appropriate)
ě	a. Total contiguous acreage owned or controlled by project sponsor acres.
Ŀ	b. Project acreage to be developed: - Norte- acres initially; acres ultimately.
	c. Project acreage to remain undeveloped acres.
C	d. Length of project, in miles: (If appropriate)
e	e. If the project is an expansion, indicate percent of expansion proposed%;
	Number of off-street parking spaces existing; proposed;
g	. Maximum vehicular trips generated per hour (upon completion of project)?
	n. If residential: Number and type of housing units: One Family Two Family Multiple Family Condominium
1	Initially VIP
ι	Ultimately
i.	Dimensions (in feet) of largest proposed structure height; width; length.
j.	Linear feet of frontage along a public thoroughfare project will occupy is? ft.

2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? Now tons/cubic yards
3. Will disturbed areas be reclaimed? □Yes □No □N/A
a. If yes, for what intended purpose is the site being reclaimed?
b. Will topsoil be stockpiled for reclamation? Yes No
c. Will upper subsoil be stockpiled for reclamation? Yes No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? acres:
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project? ☐Yes ☐No.
6. If single phase project: Anticipated period of construction months, (including demolition).
7. If multi-phased: - NoT-
a. Total number of phases anticipated (number).
b. Anticipated date of commencement phase 1 month year, (including demolition).
c. Approximate completion date of final phase month year.
d. Is phase 1 functionally dependent on subsequent phases?
8. Will blasting occur during construction? Yes No
9. Number of jobs generated: during construction 2; after project is complete 2.
10. Number of jobs eliminated by this project
11. Will project require relocation of any projects or facilities? Yes Yes, explain
12. Is surface liquid waste disposal involved? □Yes □No
a. If yes, indicate type of waste (sewage, industrial, etc.) and amount
b. Name of water body into which effluent will be discharged
13. Is subsurface liquid waste disposal involved? □Yes □No Type
14. Will surface area of an existing water body increase or decrease by proposal? ☐Yes ☐No Explain
15. Is project or any portion of project located in a 100 year flood plain? Yes No
16. Will the project generate solid waste? ☐Yes ☑No
a. If yes, what is the amount per month tons
b. If yes, will an existing solid waste facility be used? Yes No
c. If yes, give name; location;
A NACH
d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ——————————————————————————————————
17. Will the project involve the disposal of solid waste? □Yes □No
a. If yes, what is the anticipated rate of disposal?tons/month.
b. If yes, what is the anticipated site life? years.
18. Will project use herbicides or pesticides? □Yes □No
19. Will project routinely produce odors (more than one hour per day)? □Yes ☑No
20. Will project produce operating noise exceeding the local ambient noise levels?
20. Will project produce operating noise exceeding the local ambient noise levels? ☐Yes ☐No 21. Will project result in an increase in energy use? ☐Yes ☐No
20. Will project produce operating noise exceeding the local ambient noise levels? 21. Will project result in an increase in energy use? Yes PNo If yes , indicate type(s)
20. Will project produce operating noise exceeding the local ambient noise levels? 21. Will project result in an increase in energy use? Yes Yes Yes
20. Will project produce operating noise exceeding the local ambient noise levels? 21. Will project result in an increase in energy use? 22. If water supply is from wells, indicate pumping capacity 23. If water supply is from wells, indicate pumping capacity 24. If water supply is from wells, indicate pumping capacity 25. If water supply is from wells, indicate pumping capacity 26. If water supply is from wells, indicate pumping capacity 27. If water supply is from wells, indicate pumping capacity 28. If water supply is from wells, indicate pumping capacity 29. If water supply is from wells, indicate pumping capacity 29. If water supply is from wells, indicate pumping capacity 29. If water supply is from wells, indicate pumping capacity 29. If water supply is from wells, indicate pumping capacity 29. If water supply is from wells, indicate pumping capacity 29. If water supply is from wells, indicate pumping capacity 29. If water supply is from wells, indicate pumping capacity 29. If water supply is from wells, indicate pumping capacity 29. If water supply is from wells, indicate pumping capacity 29. If water supply is from wells, indicate pumping capacity 29. If water supply is from wells, indicate pumping capacity 29. If water supply is from wells, indicate pumping capacity 29. If water supply is from wells, indicate pumping capacity 29. If water supply is from wells, indicate pumping capacity 29. If water supply is from wells, indicate pumping capacity 29. If water supply is from well 29. If water supply 29. If water supply

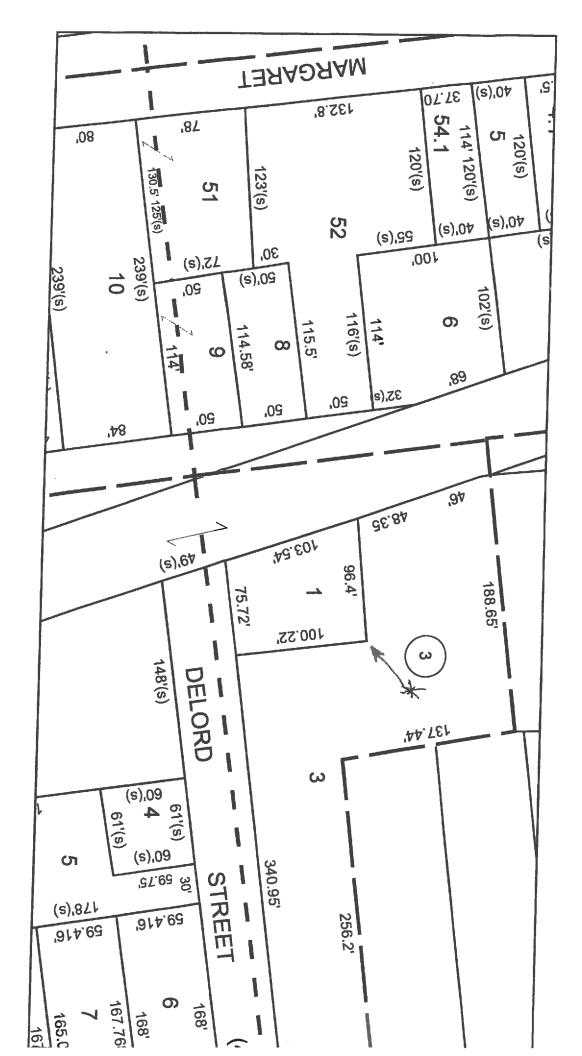
25. Approvais Required:	81			Туре	Submittal Date
City, Town, Village Board	□Yes	□No			
City, Town, Village Planning Board	□Yes	□No			
City, Town Zoning Board	ɗYes	□No			
City, County Health Department	□Yes	□No			19
Other Local Agencies	□Yes	□No			
Other Regional Agencies	□Yes	□No			
State Agencies	⊠Yes	□No	DEG.		
Federal Agencies	□Yes	□No			
C. Zoning and Planning Inform 1. Does proposed action involve a pla If Yes, indicate decision required: □zoning amendment □zoni □new/revision of master plan 2. What is the zoning classification(s)o 3. What is the maximum potential dev	nning or z ing varianc ing resour if the site?	e Spree	pecial use permit gement plan [1-2.	other	
			·		
4. What is the proposed zoning of the					
5. What is the maximum potential deve	elopment (of the site	if developed as a	permitted by the p	roposed zoning?
6. Is the proposed action consistent with	th the reco	mmended	l uses in adopted	local land use pla	ns? □Yes □No
7. What are the predominant land uses	s) and zon	ing classif	ications within a	¼ mile radius of	proposed action?
8. Is the proposed action compatible	with adjo	ining/surr	ounding land use	es within a ¼ mi	le? □Yes □No
9. If the proposed action is the subdiv	ision of la	ind, how i	nany lots are pro	posed?NP	iei Dies Divo
a. What is the minimum lot si			- Spme-		
10. Will proposed action require any au			formation of sev	ver or water distric	to? []V []V
11. Will the proposed action create a fire protection)? □Yes ⑤No	demand fo	or any co	mmunity provided	services (recreati	ts? □Yes ☑No on, education, police,
a. If yes, is existing capacity su	ifficient to	handle p	roiected demand?	□Yes □N	lo •
12. Will the proposed action result in th					
a. If yes, is the existing road ne	twork ade	quate to	handle the addition	onal traffic?	Yes DNo
D. Informational Details			*5		*
Attach any additional information a impacts associated with your proposal, pl avoid them.	s may be ease discu	needed to ss such im	clarify your proj pacts and the me	ect. If there are o easures which you	r may be any adverse propose to mitigate or
E. Verification					
I certify that the information provide	ed above i	s true to t	he best of my kn	owledge.	1 1
Applicant/Sponsor Name Scott TE	TRESULT		·	Date _	5/05/01/3
Signature Sulf Charles	<u></u>		Title _ Cure		
If the action is in the Coastal Area, and you with this assessment.	u are a stai	e agency,	complete the Coa	stal Assessment Fo	rm before proceeding

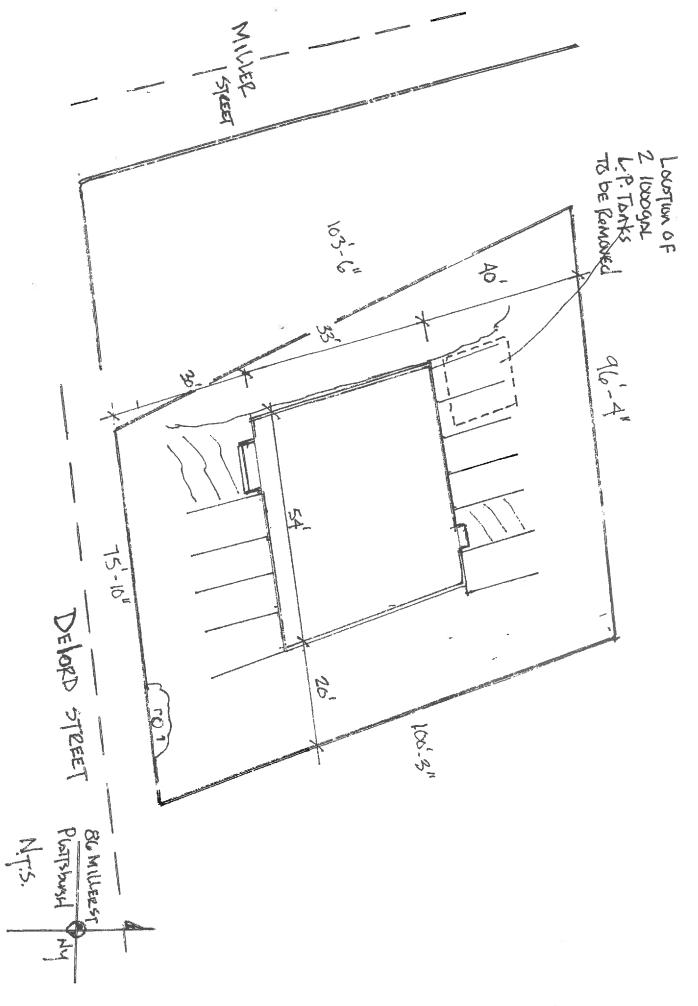
Special Use Permit Part D.

I propose closing down Miller Street Laundromat located at 86 Miller St. reopening a bottle redemption business.

The bottle redemption business would utilize less than 1600 sq ft of the first-floor of the building. The impact of the bottle redemption business on the neighborhood is projected to be less than the existing Laundromat. There will be less customer traffic, with the same amount of service trucks. The redemption business has been simplified with the need for no more than three trucks per week. The lot provides ample parking and an area for the service trucks to access the building without conflicting with customer parking.

The 2-1000 gallon propane tanks will be removed from the location, along with the propane evaporator.—The bottle redemption business would utilize the existing exterior sign space.





g

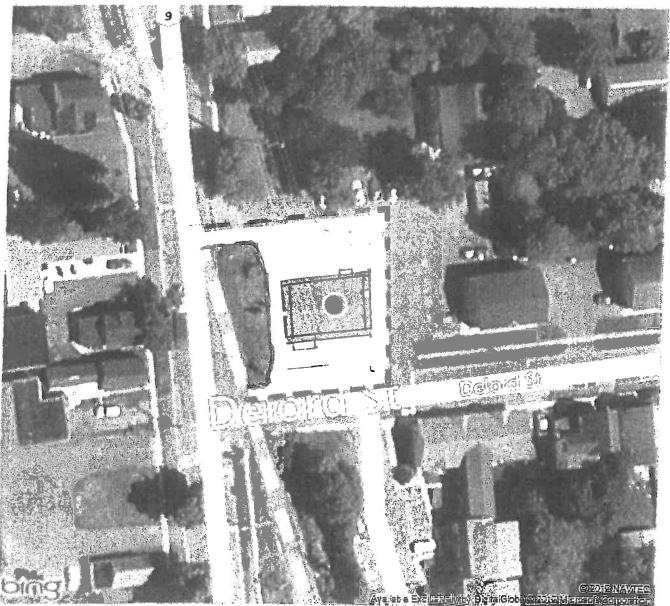
bing Maps

86 Miller St, Plattsburgh, NY 12901

My Notes

District got 10se **m.bing.com** to find strates or prestigned as oneses and increase.





Bird's eye view maps can't be printed, so another map view has been substituted.

269	Deland Way	87
201 204 61 200 59 197 198 55 196 50 20 18 16 193 194 6	52	2 4 6 8 10 2 35 32 30 -37 5 7 11 13 17 19 Lorraine St



USE

Building & Zoning Dept. 41 City Hall Place Plattsburgh, New York 12901

CLID

Ph: 518-563-7707 Fax: 518-563-6426

CLASS A VARIANCE	CLASS B VARIANCE	SPECIAL USE PERMIT
Date: 8/24/12	Appeal No.:	`10.11
An application is hereby made to the allow the property use as herein desc	Zoning Board of Appeals pursuant to the City of libed.	Plattsburgh Zoning Ordinance for a variance to
Applicant:	Steven Conjea	
Applicant's Address:	al Park Avenue	
Telephone No.:	518) 569-4786	
Parcel Identification:	221,6-3-2	
Location of Request:	1 Park Avenue	
Property Owner:S	teven Coryea	
Request Description:	ilding a deck in the front yard.	set back
Zoning District:	1	
Section Appealed:	270-10 Schidule of Are	a + Bulk Control
	Date:	
Identify Applicant's Right to Apply for		
Ownership:Lor	ng Term Lease:Contrac	et To Purchase:
Other (Please Explain):	В.	· · · · · · · · · · · · · · · · · · ·
Applications for Zoning Variances r 13 copies of existing and pro	nust be accompanied by:	

The Zoning Board of Appeals may impose reasonable conditions and restrictions on the grant of area and use variances provided they are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Signature (Owne)/Applicant)

13 copies of existing and proposed floor plan

Notary Public
KEITH A. HERKALO
Notary Public, State of New York
No. 4989702
Qualified in Clinter Commission Expires

ZONING BOARD OF APPEALS

CITY HALL

PLATTSBURGH, NEW YORK 12901

STANDARDS OF PROOF - AREA VARIANCE

A. The applicant for an area variance is not entitled to an area variance unless he has furnished competent proof to satisfy the "practical difficulty standard" and that the variance, if granted will not alter the essential character of the neighborhood.

In order to satisfy the practical difficulty standard, the applicant must prove that the Zoning Ordinance as it applies to his land creates significant economic injury and that the variance, if granted, will not produce a substantial change in the character of the neighborhood. The courts of this state hold that "significant economic injury cannot be established except by dollars and cents proof which includes:

1. The original purchase price of the premises.

2. The current market value of the premises without an area variance.

3. The projected market value of the premises with the variance having been granted."

"Projected market value" in item 3 does not include any cost of valuation for the proposed construction. It includes only the current market value without any variance plus the "value of the right to build." The "value of the right to build" may be said to be the "value of the building permit". How much more valuable is the entire property with a building permit allowing the future construction of the proposed work? Projected market value which includes the value of the work to be constructed

Projected market value can be best shown by the in-person testimony of a real estate appraiser who is present at the hearing. Written appraisals may be less satisfactory because the writer is not present to answer any questions:

The difference between the current market value without the variance and the projected market value with the variance is the amount of economic injury. If the Zoning Board of Appeals determines that this economic injury is significant, then the applicant may be entitled to the area variance.

However, if a town official comes forward at the hearing with testimony establishing that it is important in this particular instance to enforce the Zoning Ordinance as it is written, in order to protect the health, safety and welfare, then the application must be denied. It is important to note that such testimony must be by a town official or someone hired by the town to give the testimony. If the Zoning Board of Appeals agrees with the Town Official that it is important in this case to enforce the Zoning Ordinance as written, then the applicant is not entitled to the area variance, unless he presents further testimony that the enforcement of the ordinance as written will deprive him of any reasonable use of his land. If applicant proves that, then he is entitled to the area variance.

B. The second question to be determined by the Zoning Board of Appeals is whether the the propose will alte the essential character of the neighborhood. Will a substantial detriment to adjoining properties be created? If it will, then the variance may be denied.

C. Other Grounds for Denial:

1. Whether the variance applied for is the minimum variance that is necessary.

2. Is the variance sought one that is merely desirable for the greater enjoyment of the property, as opposed to one that is necessary for continued practical utilization of the premises? (Bielak v. Zoning Board of Appeals, 78 AD 2d 435).

ZONING BOARD OF APPEALS

CITY HALL

PLATTSBURGH, NEW YORK 12901

-2-

STANDARDS OF PROOF - AREA VARIANCE

- 3. Is this hardship self-created? An area variance cannot be denied solely on the ground of self-created hardship, but is a factor to be considered.
- 4. Is the plight of the owner due to personal problems of the owner as opposed to matters dealing with the land or buildings? While an area variance may not be denied solely on this basis, it is a factor to be considered.

Area Variances Standards

The state statues define area variances as: "the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by dimensional or physical requirements of the applicable zoning regulations."

General City Law, 81-b(1)

The state statues then go on to provide the zoning board with the standards for granting the area variances;

- "(b) In making it's determination, the zoning board shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:
- (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
 - (3) whether the requested area variance is substantial;
- (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and
- (5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community."

Area or Dimensional Variances

Area variances may be granted where setback, frontage, lot size or yard requirements of this Code cannot be reasonably met. In making it's determination the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determinations the board shall also consider the following criteria:

Please give a written response to each section.

(1) Will an undesirable change be produced to the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance?

No.

(2) Can the benefit sought by the applicant be achieved by some method, feasible to the applicant to pursue, other than an area variance?

No.

(3) Is the requested area variance substantial?

No.

(4) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

No.

(5) Has the alleged difficulty been self-created? This information shall be relevant to the decision of the board but shall not necessarily preclude granting of the variance.

No.

PROJECT I.D. NUMBER

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by App.	licant or Project sponsor)
1. APPLICANT ISPONSOR	2. PROJECT NAME
Steven Conjea	Front deck @ 6, Pack Avenue
3. PROJECT LOCATION:	*
Municipality Plattsburgh (City)	county Clinton
4. PRECISE LOCATION (Street address and road intersections, prominent is	andmarks, etc., or provide map)
61 Park Avenue	* * TM

٠	
£	* Mark
5. IS PROPOSED ACTION:	
New Expansion Modification/alteration	*
6. DESCRIBE PROJECT BRIEFLY:	
Replace 4'x5' concrete stoop with 7's	× 19' wood deck.
*	41
*	9
7. AMOUNT OF LAND AFFECTED:	
Initially 1835 than I acres Ultimately 1853 than	acres
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER	
Yes No If No, describe briefly	i)
I will be building within the front yas	-d setbuck.
, , ,	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?	
PResidential Industrial Commercial Agrico	ulture Park/Forest/Open space Other
Describe: R1/R2	ulture LI Park/Forest/Open space LI Other
K1/Kd	•
*	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR	III THATELY PROVINCE COURTS COVERNMENT
STATE OR LOCAL)?	OLIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL,
Yes No if yes, list agency(s) and permit/approvals	
- City of Plattsburgh build	in normit
C(1) 81 (1211300) J. 180,14	"3 "
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PER	E CONTROL OF THE CONT
Yes No If yes, list agency name and permit/approval	MIT OR APPROVAL?
LI 163 LE 140 ii 300, not agondy hamo and permitaphidal	9
2. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMITIAPPROVA	L REQUIRE MODIFICATION?
I CERTIFY THAT THE INFORMATION PROVIDED ABOV	VE IS TRUE TO THE BEST OF MY KNOWLEDGE
Applicant/sponsor name: STRVED COCYPG	ماراره
Applicant/sponsor name: Steven Coryea	Date: 3/3/1/3
U•	*** *****
Classelver	- AP
Signature;	1

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II -- ENVIRONMENTAL ASSESSMENT (To be completed by Agency) A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF. Yes B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? may be superseded by another involved agency. If No, a negative declaration Yes Yes □ No C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly. C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly. C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly. C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly. D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA? E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If Yes, explain briefly PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency) INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration. Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination: Name of Lead Agency Print or Type Name of Responsible Officer in Lead Agency Title of Responsible Officer Signature of Responsible Officer in Lead Agency Signature of Preparer (If different from responsible officer) Date

City of Plattibugh zoning board,

My name 4 James Welch. I am a resident of Plattsbugh at 63 Park avenue in Plattsbugh. Recently my neighbor Stave corper has proposed the addition of a deck on the front of his house. I am writing to let you know that I have no objection to the proposition and welcome any removations or updates to the neighborhood.

James Pi Welch

Donne

Jason W. Grant 60 Park Avenue Plattsburgh, NY 12901 (518) 572-3575

City Of Plattsburgh Zoning Board 41 City Hall Place Plattsburgh, NY 12901

To Whom It May Concern:

I'm writing on behalf of my neighbor, Steve Coryea, with regard to his new porch construction proposal to his existing property located at 61 Park Avenue here in the City of Plattsburgh. As a resident of Park Avenue, my residence is located directly across the street from his property. I have gone over the proposed changes affecting this location with him as well as viewing the current work underway.

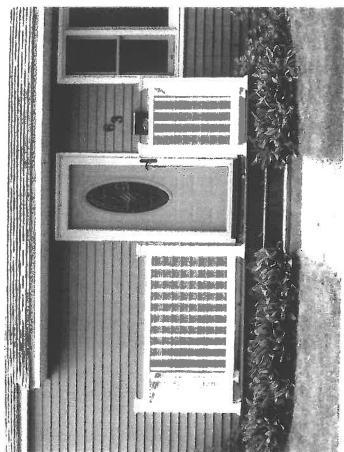
Growing up in a small town, I strongly believe the front porch adds a strong sense of community, and think this will be beneficial to those of us residing here. In addition, I have taken the opportunity to view the materials and workmanship in person, and as a builder myself, find both to be top notch. You'll find no objections with me as to the proposed changes and the upgrade. In fact, I look forward to seeing the completed renovations.

Please feel free to contact me with any questions or concerns.

Jason W. Grant

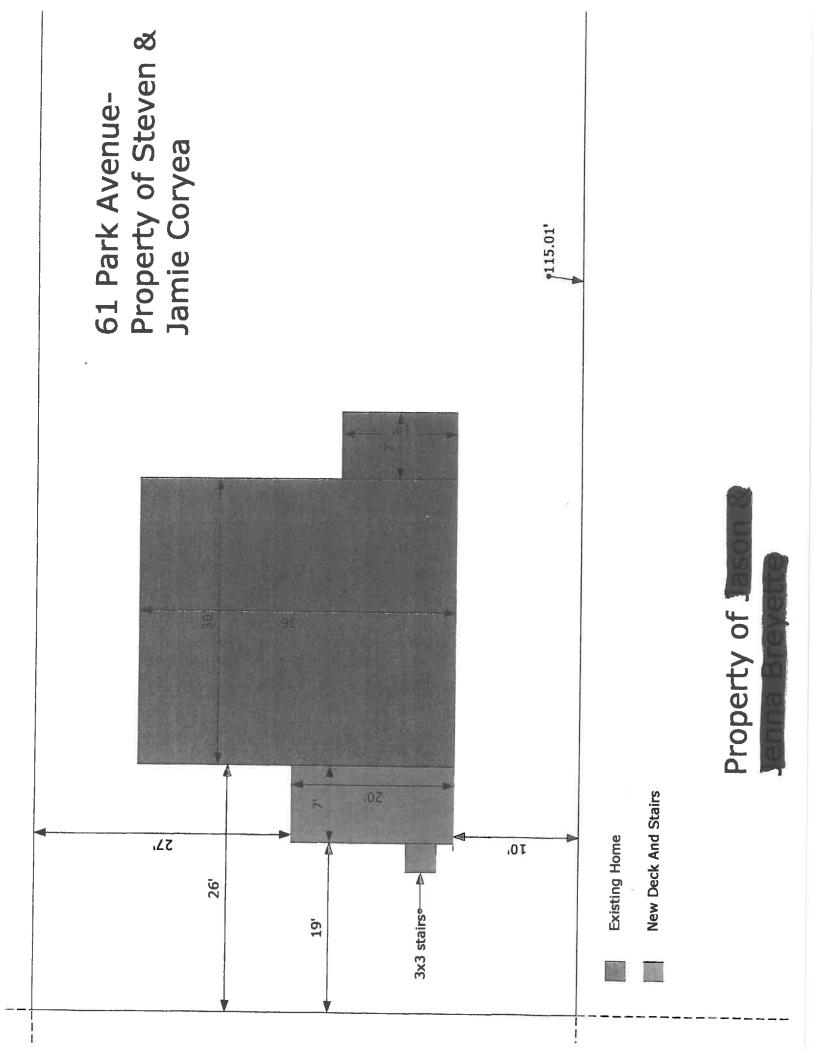
Cc: Steve Coryea, Nancy St. Denis, Chevkit & Susan Taskin













Building & Zoning Dept. 41 City Hall Place Plattsburgh, New York 12901

Ph: 518-563-7707 Fax: 518-563-6426

USE AREA
CLASS A VARIANCE
CLASS B VARIANCE

SPECIAL USE PERMIT

Appeal No.: An application is hereby made to the Zoning Board of Appeals pursuant to the City of Plattsburgh Zoning Ordinance for a variance to allow the property use as herein described. Applicant: Applicant's Address: Telephone No.: Parcel Identification: Location of Request: Property Owner: Sandwich board Sign in an R-1 District Request Description: Zoning District: Section Appealed: Previous Appeal: _____ Date: ____ Identify Applicant's Right to Apply for Variance:

Applications for Zoning Variances must be accompanied by:

- 13 copies of existing and proposed site plan
- 13 copies of existing and proposed floor plan

The Zoning Board of Appeals may impose reasonable conditions and restrictions on the grant of area and use variances provided they are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Signature (Owner/Applicant)

Print First and Last Name

Ownership: ____

Other (Please Explain):

Notary Public

Long Term Lease: _____Contract To Purchase: _____



Building and Zoning Department 41 City Hall Place

Plattsburgh, New York 12901

Ph: (518) 563-7707 Fax: (518) 563-6426

PROCEDURE IN APPEALING THE ZONING ORDINANCE CLASS B VARIANCE

DEADLINE FOR FILING APPLICATION _	8/24/12
ZONING BOARD MEETING DATE	9/17/12

The Zoning Board of Appeals has been empowered to hear and decide all appeals to the Zoning Ordinance and to do so the Board holds public meetings once a month.

The attached appeal application must be completely filled out and returned to the office for action by the Zoning Board of Appeals at their monthly meeting. The filing fee for said application is as follows:

One and Two-family dwellings - \$50.00 Multiple Dwellings \$150.00 Commercial Properties \$150.00

All checks should be made payable to the "City Clerk". In order for your appeal to be heard in the same month you apply, the appeal form and fee must be received by this office three weeks prior to the scheduled meeting of the Zoning Board of Appeals. All applicants or their representatives should attend the Zoning Board of Appeals Public Meeting of their appeal to answer any questions the Board may have regarding their request.

In filling out the form, please be specific and supply the Zoning Board of Appeals with all the necessary information requested on the form. If you are requesting a variance from the ordinance, you must detail why the literal enforcement of the ordinance will produce an undue hardship, while the variance requested will adhere to the spirit of the ordinance and do substantial justice. Financial disadvantage to the property is no proof of hardship within the purpose of zoning. In addition to the above, an applicant must submit adequate drawings and a site plan of all requests, which will involve any construction, alterations, or physical change of their property. THIRTEEN (13) copies of the entire packet including drawings and site plans are required (we recommend the plans be approved before the THIRTEEN (13) copies are made).

Before the Zoning Board of Appeals may hear and decide your appeal, this office must first:

- 1. Publish the request in three successive issues of the Press-Republican newspaper not less than five (5) nor more than ten (10) days before the hearings.
- 2. Notify, by letter, all adjoining property owners of your request

This office is responsible for implementing the above requirements.

If there are any questions, please contact this office. Thank you for your cooperation.

ZONING BOARD OF APPEALS

CITY HALL

PLATTSBURGH, NEW YORK 12901

STANDARDS OF PROOF - AREA VARIANCE

A. The applicant for an area variance is not entitled to an area variance unless he has furnished competent proof to satisfy the "practical difficulty standard" and that the variance, if granted will not alter the essential character of the neighborhood.

In order to satisfy the practical difficulty standard, the applicant must prove that the Zoning Ordinance as it applies to his land creates significant economic injury and that the variance, if granted, will not produce a substantial change in the character of the neighborhood. The courts of this state hold that "significant economic injury cannot be established except by dollars and cents proof which includes:

1. The original purchase price of the premises.

2. The current market value of the premises without an area variance.

3. The projected market value of the premises with the variance having been granted."

"Projected market value" in item 3 does not include any cost of valuation for the proposed construction. It includes only the current market value without any variance plus the "value of the right to build." The "value of the right to build" may be said to be the "value of the building permit". How much more valuable is the entire property with a building permit allowing the future construction of the proposed work? Projected market value which includes the value of the work to be constructed will be rejected.

Projected market value can be best shown by the in-person testimony of a real estate appraiser who is present at the hearing. Written appraisals may be less satisfactory because the writer is not present to answer any questions:

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However, if a town official comes forward at the hearing with testimony establishing that it is important in this particular instance to enforce the Zoning Ordinance as it is written, in order to protect the health, safety and welfare, then the application must be denied. It is important to note that such testimony must be by a town official or someone hired by the town to give the testimony. If the Zoning Board of Appeals agrees with the Town Official that it is important in this case to enforce the Zoning Ordinance as written, then the applicant is not entitled to the area variance, unless he presents further testimony that the enforcement of the ordinance as written will deprive him of any reasonable use of his land. If applicant proves that, then he is entitled to the area variance.

B. The second question to be determined by the Zoning Board of Appeals is whether the the propose will alte the essential character of the neighborhood. Will a substantial detriment to adjoining properties be created? If it will, then the variance may be denied.

Other Grounds for Denial:

1. Whether the variance applied for is the minimum variance that is necessary.

2. Is the variance sought one that is merely desirable for the greater enjoyment of the property, as opposed to one that is necessary for continued practical utilization of the premises? (Bielak v. Zoning Board of Appeals, 78 AD 2d 435).

ZONING BOARD OF APPEALS

CITY HALL

PLATTSBURGH, NEW YORK 12901

-2-

STANDARDS OF PROOF - AREA VARIANCE

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The state statues define area variances as: "the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by dimensional or physical requirements of the applicable zoning regulations."

General City Law, 81-b(1)

The state statues then go on to provide the zoning board with the standards for granting the area variances;

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 - (3) whether the requested area variance is substantial;
- (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and
- (5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community."

Area or Dimensional Variances

Area variances may be granted where setback, frontage, lot size or yard requirements of this Code cannot be reasonably met. In making it's determination the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determinations the board shall also consider the following criteria:

Please give a written response to each section.

(1) Will an undesirable change be produced to the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance?

10

(2) Can the benefit sought by the applicant be achieved by some method, feasible to the applicant to pursue, other than an area variance?

No, Lena works from home and the yard sign seens to be the best advertisement,

(3) Is the requested area variance substantial?

No. We are proposing a 2'x3' sandwich board sign be placed on our front lawn.

(4) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

No. The sign is a double edge sandwich board

(5) Has the alleged difficulty been self-created? This information shall be relevant to the decision of the board but shall not necessarily preclude granting of the variance.

Yes, leng would like to operate a small pianolesson business out of this home and would like to advertise lessons on a daily basis.

TECH MEMO

Variances

One of the basic powers given by law to a zoning board of appeals is called the "variance" power. The board has the authority to "vary," or modify, the strict letter of a zoning ordinance or local law in cases where this strict interpretation could cause practical difficulties or unnecessary hardships for an individual.

Appeals boards are frequently confronted with requests for variances. There are two types of requests that come before the board, and the standards by which they are judged differ. A <u>use variance</u> is a request to utilize property for a use or activity which is not permitted by the zoning ordinance, and the applicant must demonstrate "unnecessary hardship." An <u>area variance</u> is a request for relief from dimensional standards contained in the zoning ordinance, and it requires a demonstration of "practical difficulty."

The basic standards for determining unnecessary hardship and practical difficulty have been established and refined by the courts in numerous cases.

Use Variance

An individual who wants to utilize property for a use that is not permitted by the zoning ordinance must apply for a use variance. An applicant for a use variance must demonstrate unnecessary hardship by satisfying each of the following three tests:

1. Uniqueness

The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone AND that these features make it impossible to earn a reasonable return without some adjustment. If the features or conditions are generally applicable throughout the district, a variance should not be granted. In those situations where the difficulty is shared by others, the relief should be accomplished by an amendment to the zoning ordinance, not a variance.

2. Reasonable Return

The applicant must demonstrate an inability to realize a reasonable return under any of the uses permitted by the zoning ordinance. There must be a "dollars and cents" proof of the applicant's inability to realize reasonable return; speculation or qualitative assessment is inadequate. Fallure to realize the highest return is not considered a hardship.

3. Character

The applicant must prove that the requested modification will not change the character or quality of the neighborhood. In addition, the "spirit" of the ordinance or local law should be preserved.

The applicant for a use variance must meet <u>all</u> three tests before the appeals board may grant relief. A use variance should not be granted if the "unnecessary hardship" was created by the applicant. If the appeals board grants a use variance to an applicant who has failed to meet each of the tests, it runs the risk of assuming the function of the legislative body and making a decision contrary to the legislative intent of the zoning ordinance.

An increasing number of use variance requests is often the sign of an "aged" zoning regulation. The appeals board should not circumvent the legislative process by granting use variances. Instead, the appeals board should advise the governing body of the need to reexamine and amend the zoning ordinance.

Area Variance

in the case of an area variance, the applicant is seeking modification of dimensional standards, such as yard requirements, set-back lines, lot coverage, frontage requirements or density regulations, so that the property may be utilized for one of the uses permitted by the zoning ordinance. The appeals board may grant relief if the applicant can demonstrate that strict compliance with the regulations would cause practical difficulty.

The determination of practical difficulty is a three-step process. 3

- First, the applicant must demonstrate that the application of the zoning ordinance to his property causes significant economic injury.
- 2. Once the applicant has demonstrated economic injury, then the municipality must show that the regulation in question is reasonably related to a legitimate exercise of the police power.
- 3. Last, assuming the municipality has met its burden of proof, the applicant must demonstrate that the restrictions, as strictly applied in his case, are unrelated to the public health, safety or welfare of the community and that granting the variance will not adversely affect the community.

in making a determination of practical difficulty, the appeals board may consider: 4

- How substantial the variation is in relation to the requirement;
- 2. The potential effect of increased density on available municipal, county and state facilities and ser-
- 3. Whether the variance will cause a substantial change in the character of the neighborhood;
- 4. Whether the difficulty can feasibly be mitigated by some other method; or
- 5. Whether the interests of justice will be served in granting the variance.

The appeals board should grant the <u>minimum relief</u> necessary to allow reasonable use of the land in question. Not every applicant for an area variance is automatically entitled to receive relief. Each application should be carefully considered against the requirement for proof of practical difficulty.

Summary

The major difference between a use variance and an area variance involves the use of the property. An area variance results in a modification of physical restrictions so that an allowable use may be established on the property. By contrast, a use variance permits the establishment of a use which is prohibited by the zoning ordinance and the zoning map. It is for this reason that the standards for a use variance are more stringent than the standards established for an area variance.

Frequently, the appeals board is encouraged to make legislative decisions under the guise of use variance requests. The appeals board should exercise caution when confronted with a request for a use variance, and only grant those which meet the tests established for determining unnecessary hardship. The appeals board should resist the inclination to correct deficiencies in the zoning ordinance through the exercise of its variance power. If particular provisions of the zoning ordinance are inappropriate or unjust, the appeals board should recommend that the legislative body (City Council, Town Board, Board of Trustees) take the necessary steps to amend the ordinance or local law.

Otto v. Steinhilber, 282 NY 71 (1939), Village of Bronxville v. Francis, 150 NYS 2d 906 (1956); Jayne Estates v. Raynor, 22 NY 2d 417 (1968); Douglaston Civic Association, Inc. v. Klein, 51 NY 2d 963 (1980).

2Fayetteville v. Jarrold, 53 NY 2d 254 (1981).

Fulling v. Palumbo, 21 NY 2d 30 (1967); National Merrit, Inc. v. Werst, 41 NY 2d 438 (1977).

Maschsberger v. Michalls, 19 Misc 2d 909 (1959).

Department of Planning



Note:

This Tach Memo was prepared by the Department of Planning as an informational publication for municipal governments. It is not intended to be a legal opinion.

617.20

PROJECT LD. NUMBER

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

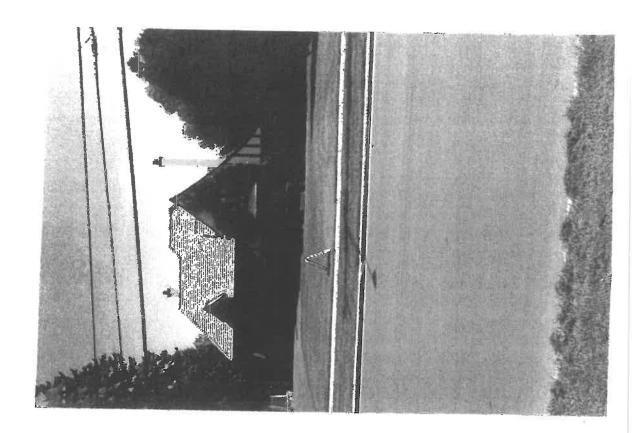
For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT ISPONSOR Flena Kyan	2. PROJECT NAME
3. PROJECT LOCATION: 82 BEEKMON ST	
Municipality Platsburgh NY	County Clinton
4. PRECISE LOCATION (Street address and road intersections, promine	ent landmarks, etc., or provide map)
82 Beekman St - Front Yard	
"	5 ° 2 ° 2
5. IS PROPOSED ACTION: New	
6. DESCRIBE PROJECT BRIEFLY:	
Place free standing removable Sigz	on the front lawn
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7. AMOUNT OF LAND AFFECTED: Initially Less The acres Ultimately Less The	40100
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER Yes Proposed Action Comply With Existing Zoning or Other Yes	HER EXISTING LAND USE RESTRICTIONS?
Sign not permitted by Zoning	¥ ₽
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?	
	Agriculture Park/Forest/Open space Other
<i>a</i>	* _
TO DOES ACTION INVOLVE A REPMIT ARREDOVAL OR EUNDING MON	OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL,
STATE OR LOCAL)?	8
Yes No If yes, list agency(s) and permit/approve	als .
· City of Platsburgh Building Permit +	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID Yes No If yes, list agency name and permit/approval	O RES IN
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2558	E
2. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMITIAPPR	OVAL REQUIRE MODIFICATION?
	ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE
Applicant/sponsor name:	Elena Ryan Date: 8/24/12
Signature:	6/1-
. /	7

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

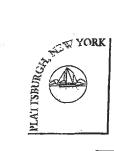
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		nent, or related activities likely to b	De induced by t	he proposed action? Explain brief	iy.
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Plattsburgh, NewYork

Building & Zoning Dept. 41 City Hall Place

Plattsburgh, New York 12901 Ph: 518-563-7707

Fax: 518-563-6426

	USE
CLASS A	VARIANCE

doules

SUP SPECIAL USE PERMIT

Date:	Appeal No.: 1944
An application is hereby made t allow the property use as herein	o the Zoning Board of Appeals pursuant to the City of Plattsburgh Zoning Ordinance for a variance to described.
Applicant:	Dunald + Shella Bond
Applicant's Address:	7 Palmer Street
Telephone No.:	F194 56411911 NEW 4/1/2
Parcel Identification:	207.15-8-30
Location of Request:	7 Palmer Street
Property Owner:	Dunald + Shella Bond
Request Description:	To add 15×30 single five addition to
hume.	
Zoning District:	182
Section Appealed:	
Previous Appeal: No.:	Date:
dentify Applicant's Right to Appl	y for Variance:
Ownership:	Long Term Lease:Contract To Purchase:
Other (Please Explain):	
ppfications for Zoning Varian 13 copies of existing an 13 copies of existing an	ces must be accompanied by: d proposed site plan

The Zoning Board of Appeals may impose reasonable conditions and restrictions on the grant of area and use variances provided they are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse

impact such variance may have on the neighborhood or community.

Print First and Last Name

Notary Public, State of New York

No. 01JA6188499

Qualified in Clinton County Commission Expires June 9, 20

Area or Dimensional Variances

Area variances may be granted where setback, frontage, lot size or yard requirements of this Code cannot be reasonably met. In making it's determination the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determinations the board shall also consider the following criteria:

Please give a written response to each section.

(1) Will an undesirable change be produced to the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance?

NO

(2) Can the benefit sought by the applicant be achieved by some method, feasible to the applicant to pursue, other than an area variance?

NO

(3) Is the requested area variance substantial?

NO

(4) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

NO - IT should a increase the value of the property.

(5) Has the alleged difficulty been self-created? This information shall be relevant to the decision of the board but shall not necessarily preclude granting of the variance.

PROJECT I.D. NUMBER

Appendix C

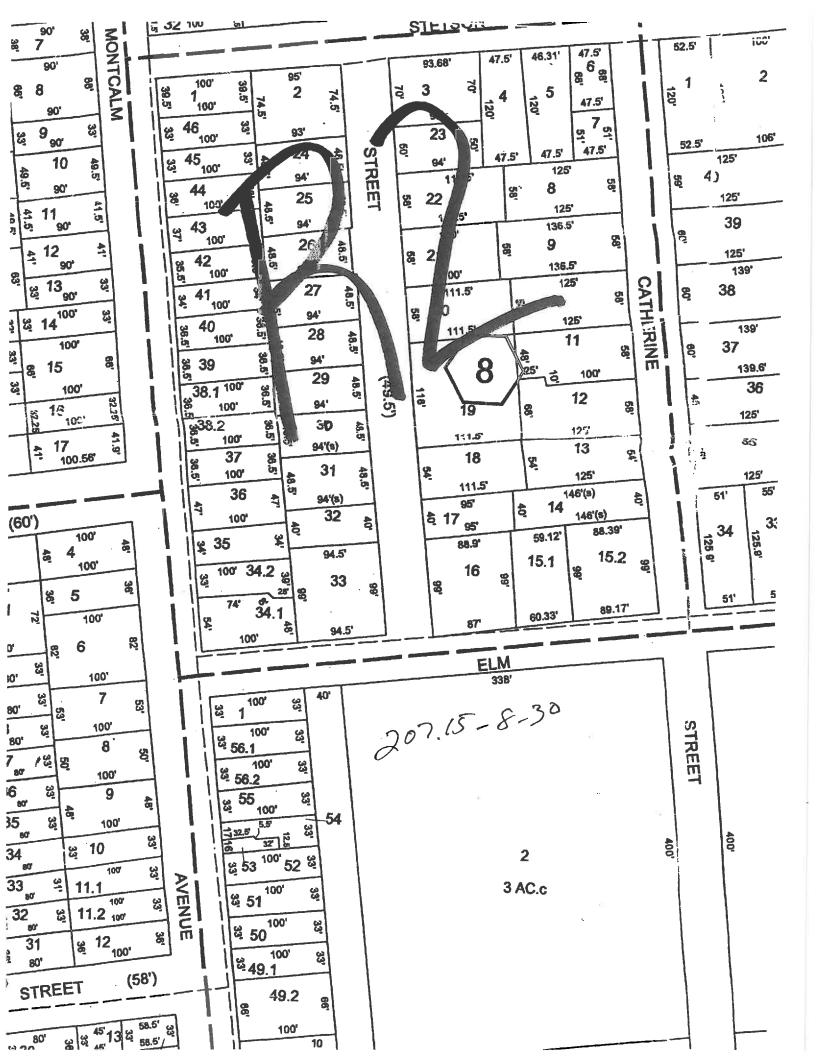
State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Ap	plicant or Project sponsory
1. APPLICANT SPONSOR	2. PROJECT NAME
Durch & Shella Dond	A Chilitica .
3. PROJECT LOCATION:	
Municipality PRIMSDUPIN	County //////
4. PRECISE LOCATION (Street address and road intersections, prominent	landmarks, etc., or provide map)
7 Polmer Street	
Platsbugh, NY	
5. IS PROPOSED ACTION: New Expansion Modification/alteration	pi
6. DESCRIBE PROJECT BRIEFLY:	
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7. AMOUNT OF LAND AFFECTED:	
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8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER Yes No If No, describe briefly DIES NOT COMPLY WITH S REGULA	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? Presidential industrial Commercial Agri Describe: Primary (CS) Challe	iculture Park/Forest/Open space Other
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12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROV	
Yes No	AL REQUIRE MODIFICATION?
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Applicant/sponsor name: Junal Bund	Date: 7-27-12
Signature:	E 3

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

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Plattsburgh, NewYork

Building & Zoning Dept. 41 City Hall Place Plattsburgh, New York 12901 Ph: 518-563-7707

Fax: 518-563-6426

USE	;	ARE	Α	SUP
CLASS A VARIANCE	C	LASS B VARIANCE		SPECIAL USE PERMIT
Date: 8 27/12	-	Appe	eal No.:	1945
An application is hereby made to allow the property use as here	in described.			ourgh Zoning Ordinance for a variance
Applicant:	KENNE	Th J. Moi	ISSEAU	
Applicant's Address:	69 Fo	ST BRAWN	BRIVE	
Telephone No.:	218	162-0928	19. 16	903
Parcel Identification:				
Location of Request:	24	LAFAYETTA	= 57.	
Property Owner:	MOUSSEAU PROPERTIES			
Request Description:		•		(270,15 Exception)
Zoning District:	R-2	9		
Section Appealed:	·			
Previous Appeal: No.:_	.: Date:			
Identify Applicant's Right to Appl	ly for Variance:			
Ownership:	_Long Term Lease:		_Contract To	Purchase:
Other (Please Explain):		—		
Applications for Zoning Variar 15 copies of existing a		anied by:		

The Zoning Board of Appeals may impose reasonable conditions and restrictions on the grant of area and use variances provided they are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Kenneth Moustlan ignature (Owner/Applicant)

15 copies of existing and proposed floor plan.

Notary Public

DEBRA JARVIS
Notary Public, State of New York
No. 01JA6188499

Qualified in Clinton County
Commission Expires June 9, 20

Area or Dimensional Variances

Area variances may be granted where setback, frontage, lot size or yard requirements of this Code cannot be reasonably met. In making it's determination the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determinations the board shall also consider the following criteria:

Please give a written response to each section.

(1) Will an undesirable change be produced to the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance?

NO - THE FRONT YARD SET-BALK OF 10' IS GREATER THAN 90% OF The Homes INTHIS AREA.

- (2) Can the benefit sought by the applicant be achieved by some method, feasible to the applicant to pursue, other than an area variance?

 No Parkins For 4 Cars is DIFFICULT AND AWKWARD otherwise.
- (3) Is the requested area variance substantial?
- (4) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

FRONT PORCH WHICH IS COMPAT, blewith SURROUNDING HOMES.

(5) Has the alleged difficulty been self-created? This information shall be relevant to the decision of the board but shall not necessarily preclude granting of the variance.

This Request is AN ATTEMPT TO RESPECT The STREETSCAPE OF THE Neighbor HOOD AND RESPECT THE CHARACTER OF THE DISTRICT

617.20

SEQR

Appendix C

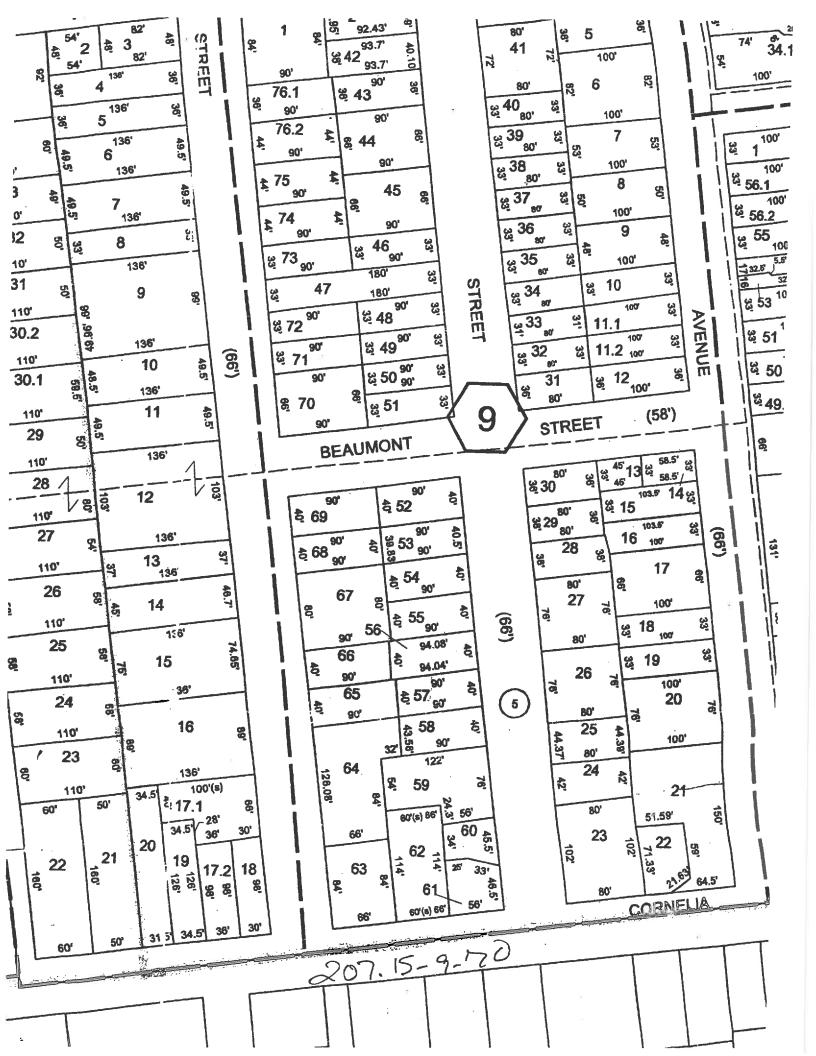
State Environmental Quality Review SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

1 APPLICANT EPONSOR
RENNETH J. MOUSSEAU 2. PROJECT NAME
Municipality (1711 AF DIA 17 ch 100)
4. PRECISE ECCATION (Street address and road intersections, prominent languages are
NORTHEAST CORNER OF WESTELM AND LAFAYETTST
5. IS PROPOSED ACTION: New Expansion Modification/alteration
6. DESCRIBE PROJECT BRIFFLY
BUILD A NEW & FAMILY RESIDENCE
7. AMOUNT OF LAND AFFECTED:
initially 13 acres Ultimately ,/3
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAWRENCE TO THE PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAWRENCE TO THE PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAWRENCE TO THE PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAWRENCE TO THE PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAWRENCE TO THE PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAWRENCE TO THE PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAWRENCE TO THE PROPOSED ACTION COMPLY WITH EXIST WITH COMPLY WITH EXIST WITH COMPLY WITH COM
Yes No It No, describe briefly UAR ANCE AGUIRED FOR LACK OF GO SO, FT. FRONT YARD SETBACK?
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? Residential
0. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
STATE OR LOCAL!? [Yes] No If yes, list agency(s) and permittapprovals CITY OF PLATTS DUZS h BULLDING INSPECTOL - PERMIT ONLY
1. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
Yes No if yes, fist agency name and permit/approval
AS A RESULT OF PROPOSED ACTION WILL ENGINEER
AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMITIAPPROVAL REQUIRE MODIFICATION?
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE
\cdot ν \sim \circ
Ignature: Lemeth Moussean

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART	617.4? If yes, coordinate the review process	and use the FULL EAF.
☐ Yes ☐ No		
WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR Usernay be superseded by another involved agency. Yes No	NLISTED ACTIONS IN 6 NYCRR, PART 617.6?	If No, a negative declaration
COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED W C1. Existing air quality, surface or groundwater quality or quantity, potential for erosion, drainage or flooding problems? Explain brie	, noise levels, existing traffic patterns, solid	vritten, if legible) waste production or disposal
£	s s	<u>8</u> ;
C2. Aesthetic, agricultural, archaeological, historic, or other natural o	r cultural resources; or community or neighbori	hood character? Explain brisfi
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant	habitats, or threatened or endangered species:	? Explain briefly:
왕 (중) 8		
C4. A community's existing plans or goals as officially adopted, or a ch	ange in use of intensity of use of land or other n	atural resources? Explain brief
- B		
C5. Growth, subsequent development, or related activities likely to be	induced by the proposed action? Explain brief	y.
		*
C6. Long term, short term, cumulative, or other effects not identified i	n C1-C5? Explain briefly.	* 29 ****
*)		· 100
C7. Other impacts (including changes in use of either quantity or type	of energy)? Explain briefly.	
4		κ.
VILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHA		
STHERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO P	POTENTIAL ADVERSE ENVIRONMENTAL IMPA	CTS?
La les La les la les, explain bioliy	*	
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III-DETERMINATION OF SIGNIFICANCE (To be comp	leted by Agency)	7
NSTRUCTIONS: For each adverse effect identified above, determach effect should be assessed in connection with its (a) sett reversibility; (e) geographic scope; and (f) magnitude, if necess explanations contain sufficient detail to show that all relevant uestion D of Part II was checked yes, the determination and sign the environmental characteristics of the CEA.	nine whether it is substantial, large, import ing (i.e. urban or rural); (b) probability of ary, add attachments or reference suppo adverse impacts have been identified an	occurring; (c) duration; (d rting materials. Ensure that d adequately addressed. I
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Check this box if you have determined, based on documentation, that the proposed action WILL NOT AND provide on attachments as necessary, the reas	result in any significant adverse er	and any supporting nvironmental impacts
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	Title of Responsible O	fficer
Print or Type Name of Responsible Officer in Lead Agency		
	Signature of Preparer (If different from	







Plattsburgh, NewYork

ZONING BOARD OF APPEALS CITY HALL PLATTSBURGH, NY 12901 Building and Zoning Department 41 City Hall Place Plattsburgh, New York 12901

Ph: (518) 563-7707 Fax: (518) 563-6426

ADMINISTRATIVE REVIEW

Date: XUGUSF 31, 2012	Appeal No.#: 1946
An application is hereby made to the Zoning Board of Appeal	
Administrative Review of the herein described decision of the	s pursuant to the City of Plattsburgh Zoning Ordinance for
Applicant: SEE APPLICATION 52200	Building Inspector.
1200	SPANO 3/30/11
Applicant's Address: //8 BROAD 5	- PLATTSBURKN NY 1254
Decision of Building Inspector:	
Regarding Property Located At: 18	TAST
Owned By: 18 Brown Specif	Aprolius Co. CC.
Zoning District:	·
Determination Appealed:	
Has a Previous Appeal been filed with respect this Property Rec	111ant? V
	Yes No
If Yes: Date:	Appeal No.:
The Facts upon which this Appeal is made are as follows:	
SEE ATTACHED CETTER	Laum Stranger
8	
K	
Grand Control of the	
State of New York County of Clinton	
I do solemnly, sincerely, and truly, declare and affirm that all the	Shove statements are two and assure
1.	above statements are true and correct.
Sworn to before me this day of	The second second
	Signature of Applicant
Notary Public	- S
RICHARD E. CANTWELL	Dog All
Notary Public, State of New York	Print first and last name
No. 4996972 Qualified in Clinton County	2 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Commission Expires November 15, 2014	



20 Corporate Woods Blvd. Albany, New York 12211 tel: 518 462 0300 fax: 518 462 5037

www.girvinlaw.com

Salvatore D. Ferlazzo Partner

sdf@girvinlaw.com

July 23, 2012

Building and Zoning Department 41 City Hall Place Plattsburgh, NY 12901

> RE: Notice of Violation - Order to Remedy dated July 20, 2012 Tax Parcel # Section 207.1B, Block 2, Lot 1, Log No. 112

Dear Building and Zoning Department:

We have been retained to respond to the attached Notice of Violation -Order to Remedy dated July 20, 2012. Please direct all future contact and correspondence directly to me at this address.

We hereby demand an Administrative Review of the above referenced Notice of Violation to provide the City with an opportunity to vacate the Notice of Violation and Order of Remedy.

Our preliminary review indicates that our clients' vested and constitutional rights to property and freedom of speech are being interfered with. We have the right to commence an immediate civil rights action in the United States District Court for the Northern District of New York but will refrain from taking formal action until the Administrative Review is complete.

We request a stay in the imposition of any and all enforcement action, fines, and the like, both retroactively and until completion of the requested Administrative Review. Please provide me with notice of the date, time and place of the Administrative Review as soon as possible.

Very truly yours,

GIRVIN & PERLAZZO, P.

By:

Salvatore D' Feriaza

SDF/ans

Enc: Notice of Violation - Order to Remedy



Plattsburgh, New York

Building & Zoning Dept. 41 City Hall Place Plattsburgh, NY 12901 Ph. 518 543, 7707

Ph; 518-563-7707 Fax: 518-563-6426

Tax Parcel Number; Section: Block: 2 Lot: Log No.: 112
NOTICE OF VIOLATION - ORDER TO REMEDY
DATE: 7 20/12 TIME: 2:30
LOCATION: 178 BROWN ST.
PLATISBURGH NY 12901
OWNER: 178 BROAD ST. HOLDING CO. LLC
Po Box 571 RTE 9
Address
CHAZY NY 12961 City City State Zip
OCCUPANT: ADIRONDACK ADVERTISING, LIBERTY TAY, HAWKING INS.
Dear SIR/MIADIAM,
You are hereby notified that you have been found to be in violation of the ZONING DROINANCArticle 270-76 Section Q, Subsection 466. The specific violation is: THE DIGITAL (LED) SIGN
EXCEEDS SIZE LIMITS AND MESSAGES ARE BEING DISPLAYED
FOUL OFF SITE BUSINESS! as observed by the code enforcement officer on 7/19/12.
as observed by the code enforcement officer on 7/19/12.
The following corrective measures should be taken no later than 7/23/12 or penalties may be assessed: REDUCING SIZE OF DISPLAY AREN AND ELIMINATING ADVERTISEMENT FOR OFF SITE BUSINESS.
For the purposes of applying the penalties described in the Administrative Section of the Zowing SROINANCE your first violation shall be deemed to have occurred as of 6/21/12.
If you have questions, please contact me.
Sincerely,
Code Androrbement Officer
Planes Alata, A vialution of this code is munishable by a fine not to average 250 to Reph WCEK.

of continued violation shall constitute an additional, separate offense, after court determination.

